



12 MAY 2006

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Morgan & Finnegan, L.L.P.
3 World Financial Center
New York, New York 10281-2101

In re Application of	:	
GODDEN et al.	:	
Application No.: 10/528,442	:	DECISION ON PETITION
PCT No.: PCT/US04/09565	:	UNDER 37 CFR 1.47(a)
Int. Filing: 29 March 2004	:	
Priority Date: 28 March 2003	:	
Attorney Docket No.: 4758-4101US1	:	
For: SYSTEM AND METHOD OF	:	
EMPLOYING INDICIA ON WEB	:	
MATERIAL AND WEB MATERIAL	:	
USING SAME	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 19 April 2006 to accept the application without the signature of joint inventor, Mark Godden.

BACKGROUND

On 29 March 2004, applicants filed international application PCT/US04/09565, which claimed a priority date 28 March 2003. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 28 September 2005.

On 18 March 2005, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and the international search report.

On 23 September 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 22 November 2005, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 28 February 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

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On 19 April 2006, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Items (1), (3) and (4) have been satisfied.

A review of the present petition reveals that applicants have satisfied item (2), in that the applicants have shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Mark Godden. The steps taken by Keith McWha are sufficient to show that Mark Godden has refused to execute the application.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, applicants' renewed petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459



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Mark Godden
West Hartley Farm
Blackawton
Devon TQ9 7DH
Great Britain

In re Application of
GODDEN et al.
Application No.: 10/528,442
PCT No.: PCT/US04/09565
Int. Filing: 29 March 2004
Priority Date: 28 March 2003
Attorney Docket No.: 4758-4101US1
For: SYSTEM AND METHOD OF EMPLOYING INDICIA ON WEB MATERIAL AND
WEB MATERIAL USING SAME

Dear Mr. Godden:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
Morgan & Finnegan, L.L.P.
3 World Financial Center
New York, New York 10281-2101